

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Edward Fielding,  
Plaintiff

v.

Massachusetts Judiciary,  
Defendant

C.A. No. 04-11801-DPW


**MOTION TO ALTER OR AMEND JUDGMENT**

Now comes the Plaintiff pursuant to Federal Rules of Civil Procedure 59 (e), requesting that this Honorable Court order of dismissal, under 28 U.S.C. § 1915 (a)(b), entered on September 10, 2004, be vacated.

As grounds thereof, the Plaintiff supports by Memorandum, that this Court misconstrued the Civil Rights Complaint, thereby, misapplied the law in its Memorandum and Order, as it pertains to the Plaintiff's Right to Procedural Due Process which was denied by the State Courts, whereby, this Court does have subject-matter jurisdiction over the Complaint pursuant to 42 U.S.C. § 1983.

Wherefore, the Plaintiff respectfully requests that this Honorable Court vacate its order of dismissal and issue a Summons in the above entitled action.

Respectfully submitted  
by the Plaintiff

  
Edward Fielding, Pro se  
Ray State Correctional Center  
28 Clark St. P.O. Box 73  
Norfolk, MA. 02056-0073

September 17, 2004